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**Prepared by the DOH/Clean Water Branch**

NPDES GENERAL PERMIT  
AUTHORIZING THE DISCHARGE OF AQUATIC PESTICIDES  
TO SURFACE WATERS OF THE STATE AND  
SEPARATE STORM SEWER SYSTEMS FOR VECTOR CONTROL

[date stamped after DOH approval]

1. Coverage under this General Permit
  - (a) This general permit covers discharges of aquatic pesticides applied directly into the water body or directly to organisms in the water or on the water surface with the intent of killing the target organisms. The aquatic pesticides shall:
    - (1) Be used for the purpose of controlling pests; or abating, destroying, removing, or preventing any and all conditions, created or existing, which cause or tend to cause sickness or disease or to be dangerous or injurious to health;
    - (2) Only contain:
      - (A) The following active ingredients:
        - (i) *Bacillus sphaericus* (H-5a5b);
        - (ii) *Bacillus thuringiensis israelensis* (Bti);

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- (iii) Methoprene Granular,  
Liquid, Pellet, or  
Briquette;
  - (iv) Monomolecular Surface  
Films;
  - (v) Base Oil; or
- (B) Other alternative aquatic  
pesticide as approved by the  
department; and
- (3) Be applied in a manner consistent with  
the labeling of the pesticide and  
shall comply with the rules and  
regulations of the department of  
agriculture and section 11-54-4(e)(1).
- (b) This general permit covers all state surface  
waters defined in chapter 11-54, titled  
"Water Quality Standards." This general  
permit covers separate storm sewer systems  
to the extent that they are state waters.
- (c) Definitions as used in this General Permit
  - (1) "Pest" means (1) any insect, rodent,  
nematode, fungus, weed; or (2) any  
other form of terrestrial or aquatic  
plant or animal life or virus,  
bacteria, or other micro-organism  
(except viruses, bacteria, or other  
micro-organisms on or in living man or  
other living animals) which the EPA

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Administrator declares to be a pest under 7 U.S.C. 136w(c)(1).

- (2) "Pesticide" means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
- (3) "Adjuvant" means ingredients that are added to aquatic pesticides during a treatment event. These ingredients are chosen by the applicator, based on site characteristics, and typically increase the effectiveness of aquatic pesticides on target organisms.
- (4) "Certified applicator," "private applicator," and "commercial applicator" mean the same as in 7 U.S.C. §136(e).
- (5) "Separate storm sewer system" means a conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) used for collecting and conveying storm water runoff. A "separate storm sewer system" is also known as a "non-municipal or non-publicly owned separate storm sewer system."

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2. Limitations on Coverage under this General Permit

- (a) This general permit does not cover the following:
  - (1) Discharges of aquatic pesticides that the director finds more appropriately regulated under an individual permit; and
  - (2) Discharges of aquatic pesticides where the circumstances have changed since the time of the request to be covered so that the permittee is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
- (b) The automatic coverage option, in accordance with sections 11-55-34.09(e), (f), and (g), is not applicable to this general permit.
- (c) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.
- (d) The director may order temporary suspension of the conditions of this general permit or conditions of the notice of general permit coverage or both to protect public health.
- (e) The director may modify, revoke and reissue, or terminate a notice of general permit

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coverage under section 11-55-34.11 upon a determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

3. Term of General Permit

(a) This general permit becomes effective when section 11-54-04(e) becomes effective and when section 11-55-34.02(b)(12) becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires on November 6, 2007, or when amendments to section 11-55-34.02(b)(12) are adopted, whichever is earlier.

(b) A notice of general permit coverage under this general permit expires:

(1) November 6, 2007;

(2) When the notice of general permit coverage specifies; or

(3) When amendments to section 11-55-34.02(b)(12) are adopted,

whichever is earliest, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

4. Notice of Intent Requirements

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- (a) A person or his or her duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the discharge of the pesticide or thirty days before the expiration date of the applicable notice of general permit coverage.
- (b) A person or his or her duly authorized representative shall include the following information in the notice of intent:
  - (1) Legal name(s), street address, contact person's name and position title, and telephone and fax numbers of the applicant and applicator and duly authorized representative, if applicable;
  - (2) Applicant's legal status as federal, state, private, public or other entity;
  - (3) Name, street address, island, tax map key number(s), contact person's name and position title, and telephone and fax numbers of the facility or project for which the notice of intent is submitted;
  - (4) Type of general permit required for the proposed discharge;

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- (5) List of existing or pending permits, licenses, or approvals and corresponding file numbers;
- (6) Name or type of target organism(s);
- (7) Name and active ingredients of aquatic pesticide to be discharged to surface waters or separate storm sewer systems or both;
- (8) Start and end date of proposed aquatic pesticide discharge period;
- (9) Name(s) of the surface waters or location of the separate storm sewer systems that the discharge enters or the tax map key number(s) or nearest street address of the discharge;
- (10) Site map showing the location of the discharge point(s) or discharge area(s) or both in relation to the island; and
- (11) Aquatic pesticide best management practices plan, including aquatic pesticide monitoring requirements, as specified in section 6 of this general permit. The aquatic pesticide best management practices plan, hereafter best management practices plan, shall be site-specific and chemical-specific and shall be submitted with the notice of intent.

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- (A) The applicant or duly authorized representative shall develop and implement the best management practices plan to minimize the potential adverse impact from the application of aquatic pesticides to the surface waters and separate storm sewer systems and to maintain compliance with conditions of this general permit.
- (B) The best management practices plan shall include:
  - (i) Spill prevention and response plan that identifies spill prevention and response measures and personnel responsible for its implementation, and conforms with the reporting requirements in section 7 of this general permit. Responsible personnel shall be available at all times when the discharge activity is in operation;
  - (ii) Annual employee education or training program that ensures the best management practices plan will be properly implemented;

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- (iii) Protocol for inspections that ensures the pollutant control strategy and the spill prevention and response plan are being effectively carried out; and
  - (iv) Record-keeping procedures for all inspections and reviews required in the best management practices plan.
- (C) The permittee shall maintain the best management practices plan on-site or shall be made available upon request.
- (c) The applicant or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:
  - Director of Health
  - Clean Water Branch
  - Environmental Management Division
  - State Department of Health
  - P.O. Box 3378
  - Honolulu, Hawaii 96801-3378
- (d) The director may require additional information to be submitted or may waive requirements for other information under this general permit, as appropriate.

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5. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit condition, the more stringent conditions shall apply, except certain applicable requirements contained in chapter 11-55, appendix A, section 1, referring to section 11-54-04(a)(4).

6. Aquatic Pesticide Receiving State Water Quality Limitations and Monitoring Requirements

The receiving state water quality shall be limited and monitored by the permittee as specified in this section and in Table 34.9, unless otherwise noted. Monitoring shall be done for at least one representative application environment for each pesticide identified in the notice of general permit coverage.

(a) The permittee shall take samples and measurements of the active ingredient(s) of the aquatic pesticide applied to the surface waters and separate storm sewer systems for the purposes of demonstrating that, following the completion of the aquatic pesticide, that the post-application water quality of the receiving waters shall not exceed the pre-application water quality.

(b) Test Procedures

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- (1) Unless otherwise noted in this general permit or notice of general permit coverage, the permittee shall use test procedures and measure all pollutant parameters in accordance with methods prescribed in 40 CFR Part 136, promulgated under Section 304(h) of the Act. The permittee may submit applications for the use of alternative test methods in accordance with 40 CFR Section 136.4.
- (2) The detection limits of the test methods used shall be equal to or lower than the applicable water quality standards as specified in chapter 11-54. For situations where the applicable water quality standard is below the detection limits of the available test methods, the test method which has the detection limit closest to the applicable water quality standards shall be used and reported.
- (c) The permittee shall conduct surface water(s) inspections to ensure that the best management practices plan remains effective. The permittee shall maintain a record of the following:
  - (1) Dates on which inspections were conducted;
  - (2) Inspection findings; and

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(3) Corrective actions taken.

7. Recording and Reporting Requirements

(a) Recording of Discharge Activity

The following information shall be maintained on an application log which shall contain, at a minimum, the following information:

- (1) Permittee name, phone and fax number;
- (2) Notice of general permit coverage file number;
- (3) Name of applicator;
- (4) Date, duration, starting and ending times of the aquatic pesticide discharge or application;
- (5) Location of the treatment area (e.g., street address, crossroads, or tax map key numbers);
- (6) The name(s) of the water bodies treated (i.e., stream, drainage system, canal, ditch, lake, etc.);
- (7) If the discharge initially enters a separate storm sewer system the permittee or his or her duly authorized representative shall record the following information:

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- (A) Name of the owner of the separate storm sewer system; and
  - (B) Identifying number or date or both of the permit, license, or equivalent written approval granted by the owner(s) of the separate storm sewer system(s).
- (8) Application details including:
- (A) Brand, trade, or product name(s) of the aquatic pesticide(s);
  - (B) Name(s) of the active ingredient(s) in the above named aquatic pesticide(s);
  - (C) Name(s) of the adjuvants used, as applicable;
  - (D) EPA registration number(s); and
  - (E) Total volume or mass of aquatic pesticide discharged;
- (9) Any additional pollutant control strategies to be implemented based on monitoring results; and
- (10) Documentation of best management practices plan activities in compliance with this general permit or notice of general permit coverage.

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The permittee shall retain the application log and shall provide copies upon request of the director.

(b) Reporting of Monitoring Results

- (1) The permittee shall submit results of all monitoring required by this general permit in a format that demonstrates compliance with the limitations in Table 34.9 and other requirements of this general permit.
- (2) The permittee shall submit monitoring results obtained during the previous calendar month, postmarked no later than the twenty-eighth day of the month following the completed reporting period.
- (3) If the monitoring results are below the method detection limit, then indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.
- (4) The permittee shall also submit the monitoring results with laboratory reports, including quality assurance/quality control data.
- (5) Should there be no discharges or monitoring during the monitoring period, the monitoring report form shall so state.

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- (c) Reporting of Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in sections 6(b) of this general permit, the permittee shall include the results of this monitoring in the calculation and reporting of the values required in the discharge monitoring report. The permittee shall also indicate the increased frequency.

- (d) Reporting of Revisions to the Best Management Practices Plan

The permittee shall review and update the best management practices plan as often as needed to comply with the conditions of this general permit or conditions of the notice of general permit coverage, whichever is more stringent, or as required by the director. The permittee shall document and report any changes to the best management practices plan to the director within thirty days of when the changes arise. The permittee shall retain the best management practices plan and all accompanying records, reports, and changes, in accordance with section 10 of this general permit.

- (e) Reporting of Noncompliance

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- (1) The permittee or the applicator or its duly authorized representative shall orally report any of the following as soon as the permittee or the applicator or its duly authorized representative becomes aware of the circumstances:
  - (A) Violation of a surface water limitation specified in Table 34.9; or
  - (B) Discharge or noncompliance with surface water limitations which may endanger health or the environment.
- (2) The permittee shall make oral reports by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours which are Monday through Friday (excluding holidays) from 7:45 a.m. until 4:15 p.m. or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) The permittee shall provide a written report within five days of the non-compliance. The written report shall include the following:
  - (A) Description of the noncompliance and its cause;
  - (B) Period of noncompliance including exact dates and times;

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(C) Estimated time the noncompliance is expected to continue if it has not been corrected; and

(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

8. Submittal Requirements

(a) The owner or its duly authorized representative shall submit signed copies of monitoring and all other reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health  
Clean Water Branch  
Environmental Management Division  
State Department of Health  
P.O. Box 3378  
Honolulu, HI 96801-3378

(b) The owner or its duly authorized representative shall include the following certification statement and signature on each submittal in accordance with section 11-55-07(b):

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"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

- (c) The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned general permit file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

9. Additional Conditions

- a. The director may impose additional conditions under section 11-55-34.09(b).
- b. The director may require an evaluation of any non-toxic or less-toxic pest control methods that may provide a practicable substitute for pesticide application. This evaluation shall include an estimate of the

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cost of each alternative, a review of any known barriers to implementing the alternative, and any solutions to overcoming those barriers.

10. Record Retention

The permittee shall retain all records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

11. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.9

LIMITATIONS AND MINIMUM MONITORING REQUIREMENTS  
FOR DISCHARGE OF AQUATIC PESTICIDES

Parameter	Limitation	Minimum Monitoring Frequency	Type of Sample
Name and Quantity of Aquatic Pesticide used (gallons)	{1}	{2}	Calculated
Active ingredients in aquatic pesticide {3}	{1}	{2}	Grab
Temperature (°C)	{1}	{2}	Grab
pH (standard units)	{1}	{2}	Grab
Dissolved Oxygen (mg/l)	{1}	{2}	Grab
Turbidity (NTU)	{1}	{2}	Grab
Hardness	{1}	{2}	Grab
Conductivity (µmhos/cm)	{1}	{2}	Grab
Other(s) {4}	{1}	{2}	Grab

mg/l = milligrams per liter

NTU = Nephelometric Turbidity Units

NOTES:

- {1} The post-application quality of the surface water and separate storm sewer system shall not exceed the pre-application quality. Pollutant concentration levels shall be in accordance with or within the range as specified on the aquatic pesticide label. Actual or measured levels which exceed those limits or are outside those ranges

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- shall also be reported to the director as required in section 7(e) of this general permit.
- {2} The permittee shall monitor the surface water or separate storm sewer system or both before and after application of the aquatic pesticide.
  - {3} The permittee shall test for the active ingredient in the aquatic pesticide, as identified on the aquatic pesticide label.
  - {4} The director may include other parameters that have been identified that may adversely impact beneficial uses of the surface waters.